REMARKS

This Amendment is filed in response to the Office Action mailed on December 12, 2007. All objections and rejections are respectfully traversed.

Claims 1-8, 12, 14-25, 29, 31-35, 37-39, 41-43, 46-49 are currently pending.

Claims 49 is added.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

Claim Rejections – 35 USC § 101

At paragraph 6 of the Office Action, claims 39-41 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In particular, the Examiner stated claims 39-41 are drawn to "computer-readable medium," which does not fall within a statutory category. Applicant has amended the claim to have the computer readable medium executed on a processor. Therefore, there is hardware performing the claimed instructions. Accordingly, claims 39-41 are believed allowable over the §101 rejection.

Claim Rejections – 35 USC § 102

At paragraph 7 of the Office Action, claims 1, 2, 7-19, 24-36, and 38-40 were re-
jected under 35 U.S.C. §102 as being unpatentable over Prahlad et al., US Patent Appli-
cation Publication No. 2004/00100487, hereinafter Prahlad.

The present invention, as set forth in representative claim 1, comprises in part:

1. A system for indexing and manipulating a set of backup data stored on a
destination system interconnected with a source file system having source
data from which the backup data is transmitted to the destination system
comprising:
a management application executed by a computer, where the
management application (a) communicates with the destination system
and that accesses data identifiers that identify the data as directories, files,
or qtrees related to the backup data organized in a tree structure and repre-
senting a plurality of persistent consistency point images (PCPIs) of the
data, each with associated information related to creation time, (b) *scans
the plurality of PCPIs stored on the destination system to generate an
index of directories, files, or qtress, where each directory, file, or qtree
has one or more versions created at one or more different points in time,
and (c) organizes the data identifiers into a structure that enables the
data to be displayed according to directory, file or qtree*; and
*a user interface to select a directory, file, or qtree to view, where
the management application returns a list of only the selected directory,
file, or qtree and the one or more versions of the selected directory, file,
or qtree.*

Prahlad discloses a system for creating a quick recovery volume of a primary data
set, with the quick recovery volume stored on an archival storage unit. A snapshot man-
ager indexes and manages the snapshots. A user interface allows users to browse and
recover data from the snapshots, where the snapshots are displayed in a folder and a user
can select a snapshot to look at the contents of the snapshot.

Applicant respectfully urges that Prahlad does not disclose Applicant's claimed
novel *scans the plurality of PCPIs stored on the destination system to generate an in-
dex of directories, files, or qtrees, where each directory, file, or qtree has one or more
versions created at one or more different points in time, and (c) organizes the data*

identifiers into a structure that enables the data to be displayed according to directory, file or qtree and *a user interface to select a directory, file, or qtree to view, where the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file, or qtree.* In further detail, in Applicant's claimed invention the data is organized into an index. The user then can select a particular qtree, file, or directory to view. For example, a user picks a directory. The management application returns the selected directory and one or more versions of the directory created at one or more different points in time. The user then selects the appropriate directory that the user wants to restore from the list. In contrast, Prahlad only discloses a listing of snapshots in a folder. There is no disclosure of creating a listing of directories, files, or qtrees from the plurality of snapshots in Prahlad.

Accordingly, Applicant respectfully urges that Prahlad is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *scans the plurality of PCPIs stored on the destination system to generate an index of directories, files, or qtrees, where each directory, file, or qtree has one or more versions created at one or more different points in time, and (c) organizes the data identifiers into a structure that enables the data to be displayed according to directory, file or qtree* and *a user interface to select a directory, file, or qtree to view, where the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file, or qtree.*

Claim Rejections – 35 USC § 103

At paragraph 8 of the Office Action, claims 3-6, 20-23, 37, and 41 were rejected under 35 U.S.C § 103 as being unpatentable over Prahlad, in view of Armangau, US Patent No. 6,434,681.

Applicant respectfully notes that claims 3-6, 20-23, 37, and 41 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 3-6, 20-23, 37, and 41 are believed to be in condition for allowance.

At paragraph 9 of the Office Action, claims 7, 8, 11-16, 24-33 and 43 were rejected under 35 U.S.C § 103 as being unpatentable over Prahlad, in view of Arakawa, US Patent Application Publication No. 2003/0131207, hereinafter Arakawa.

Arakawa discloses a snapshot table listing information about each snapshot. Specially, the information includes a pair number, a group number, a destination volume, a source volume, a source physical volume, a destination physical volume number, and a state. There is no teaching or suggestion in Arakawa or in the combination of Arakawa and Prahlad scanning *the plurality of PCPIs stored on the destination system to generate an index of directories, files, or qtrees, where each directory, file, or qtree has one or more versions created at one or more different points in time, and (c) organizes the data identifiers into a structure that enables the data to be displayed according to directory, file or qtree* and *a user interface to select a directory, file, or qtree to view, where the management application returns a list of only the selected directory, file, or qtree and the one or more versions of the selected directory, file, or qtree.* Neither Arakawa nor Prahlad, create an index of files, directories, or qtrees from the snapshots. Both Arakawa and Prahlad merely list the snapshots. Additionally, neither Arakawa nor Prahlad return a selected file, directory, or qtree for restoring. Accordingly, Applicant believes claims 7, 8, 11-16, 24-33 and 43 to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

_____/Shannen C. Delaney/_____
Shannen C. Delaney
Reg. No. 51,605
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500